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Attorney for Defendant BRANDON WHITE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	2:15-cr-0029-GMN-VCF
)	
Plaintiff,)	
)	
v.)	<u>STIPULATION TO CONTINUE</u>
)	<u>MOTIONS DEADLINES</u>
BRANDON MICHAEL WHITE,)	
)	(Fourth Request)
Defendant.)	

IT IS HEREBY STIPULATED AND AGREED, by and between Phillip N. Smith, Jr. Assistant United States Attorney, counsel for the United States of America, and Daniel J. Albregts, Esq., counsel for defendant BRANDON MICHAEL WHITE, that the parties herein shall have to and including Friday, July 24, 2015, within which to file any and all pretrial motions and notices of defense. It is anticipated that this stipulation will not effect the currently scheduled trial date.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including Friday, August 14, 2015, within which to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including Friday, August 21, 2015, within which to file any and all replies to dispositive motions.

This stipulation is entered into for the following reasons:

1. The defense continues to analyze the defendant's criminal history and its effect on the sentencing guideline range and whether he is an armed career criminal or a career criminal. This determination effects plea negotiations and the defendant's decision on same, a decision ideally made prior to the filing of pretrial motions.

1 2. The additional time requested herein will allow defense counsel to complete this work and
2 thereafter advise the defendant regarding the plea negotiations and his decision to accept them or
3 proceed to trial. If this matter cannot be resolved, defense counsel anticipates filing the motions by
4 the deadline requested herein.

5 3. It is not anticipated this request will effect the currently scheduled trial date.

6 4. The defendant remains in custody and concurs with this request.

7 5. Denial of this request for a continuance would deny the parties herein sufficient time and
8 opportunity to effectively and thoroughly prepare any motions in this case, taking into consideration
9 the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

10 6. This is the fourth request for a continuance of the motions dates.

11 7. This request for a continuance is made in good faith and is not intended to delay the
12 proceedings in this matter.

13 8. Because this request will not effect the trial date, no speedy trial provisions need to be
14 cited or waived by the defendant for the purposes of this stipulation.

15 DATED this 9th day of July, 2015.

16 DANIEL G. BOGDEN
17 United States Attorney

DANIEL J. ALBREGTS, LTD.

18 /s/ Phillip N. Smith, Jr.
19 PHILLIP N. SMITH, JR.
20 Assistant United States Attorney

21 /s/ Daniel J. Albregts
22 DANIEL J. ALBREGTS, ESQ.
23 Counsel for Defendant WHITE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:15-cr-0029-GMN-VCF
)	
Plaintiff,)	
)	
v.)	
)	FINDINGS OF FACT,
BRANDON MICHAEL WHITE,)	CONCLUSIONS OF LAW
)	AND ORDER
Defendant.)	

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the court hereby finds that:

1. The defense continues to analyze the defendant's criminal history and its effect on the sentencing guideline range and whether he is an armed career criminal or a career criminal. This determination effects plea negotiations and the defendant's decision on same, a decision ideally made prior to the filing of pretrial motions.

2. The additional time requested herein will allow defense counsel to complete this work and thereafter advise the defendant regarding the plea negotiations and his decision to accept them or proceed to trial. If this matter cannot be resolved, defense counsel anticipates filing the motions by the deadline requested herein.

3. It is not anticipated this request will effect the currently scheduled trial date.

4. The defendant remains in custody and concurs with this request.

5. Denial of this request for a continuance would deny the parties herein sufficient time and opportunity to effectively and thoroughly prepare any motions in this case, taking into consideration the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

1 6. This is the fourth request for a continuance of the motions dates.

2 7. This request for a continuance is made in good faith and is not intended to delay the
3 proceedings in this matter.

4 8. Because this request will not effect the trial date, no speedy trial provisions need to be
5 cited or waived by the defendant for the purposes of this stipulation.

6 **CONCLUSIONS OF LAW**

7 1. Denial of this request for continuance would deny the parties herein sufficient time and
8 the opportunity within which to be able to effectively and thoroughly prepare motions in this case,
9 taking into account the exercise of due diligence.

10 2. Additionally, denial of this request for continuance would result in a miscarriage of
11 justice.

12 3. For all the above-stated reasons, the ends of justice would best be served by a continuance
13 of the motions deadlines.

14 **ORDER**

15 **IT IS THEREFORE ORDERED** that the parties herein shall have to and including Friday,
16 July 24, 2015, within which to file any and all pretrial motions and notices of defense.

17 **IT IS FURTHER STIPULATED AND AGREED**, that the parties herein shall have to and
18 including Friday, August 14, 2015, within which to file any and all responsive pleadings.

19 **IT IS FURTHER STIPULATED AND AGREED**, that the parties herein shall have to and
20 including Friday, August 21, 2015, within which to file any and all replies to dispositive motions.

21 DATED this 23rd day of July, 2015.

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23 _____
24 UNITED STATES MAGISTRATE JUDGE
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